

FILED

2019 JAN 11 PM 3:15

CLERK U.S. DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
CLEVELAND

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

PAUL SPIVAK  
34099 Melinz Pkway  
Unit E  
Eastlake, OH 44095

Plaintiff

-vs-

CAMERON D. FRAKER  
400 Woodland Point  
Linn Creek, MO 65052

Defendant

1:19 CV 87  
CIVIL ACTION NO.  
JUDGE  
JUDGE POLSTER  
MAG. JUDGE PARKER  
COMPLAINT

Plaintiff Paul Spivak sues the Defendant Cameron D. Fraker in this civil action for Common Law Defamation for Slander *per se*, General Defamation for Slander, Defamation by Implication for Slander and Intentional Infliction of Emotional Distress as a result of Defendant causing actual damages, compensatory damages, giving rise to punitive damages as well, including aggravated harm to the Plaintiff's professional, business and personal reputation and livelihood. As grounds therefore, Plaintiff alleges the following facts as follows:

## **I. JURISDICTION AND VENUE**

1. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. 1331 under diversity of citizenship. The parties are citizens of different states and the amount of controversy exceeds \$150,000.00. Plaintiff seeks damages, including a trebled award as allowed, and injunctive relief.
2. Venue is proper for Defendants pursuant to 28 U.S.C. 1391(b)(1) and 28 U.S.C. 1391(e).

## **II. THE PARTIES**

3. Cameron D. Fracker is an individual, natural person, and a citizen of the United States. He is a resident of Missouri, which is set forth above, and owner of Fraker Energy Systems, a distributor for USLG where much of his work originates from and continued to originate from.
4. Paul Spivak is a natural person, an individual, and a citizen of the United States. He is a resident of Ohio, which is set forth above, who created USLG and much of his work originates from Northeast Ohio.
5. With regard to the allegations of said Complaint, the Defendant acted alone. All allegations of this Complaint refer or relate to the tortious, illegal conduct of the named Defendant, who acted to severely damage Plaintiff Spivak.

### **FACTS COMMON TO ALL COUNTS**

6. This is an action for damages arising from the Defendant's publication on a website containing false, injurious, and defamatory statements about the Plaintiff in relation to business practices.
7. Plaintiff Spivak sues for harm from Defendant's Slandorous actions, and thus damages in this district, Ohio in general, nationwide and internationally to himself as an individual, which damages include financial harm to his business reputation and professional opportunities as an individual, and international infliction of emotional distress.
8. Plaintiff Spivak sues for harm to his financial interest as an individual owner, investor, shareholder and/or employee of the company impacted by this event, which has brought financial harm to Plaintiff Spivak as an individual, through the result of Defendant's defamation and other tortious conduct.
9. The Defendant's conduct arises from false, injurious and defamatory statements concerning the Plaintiff, his employees and his business practices on the controversial website.
10. Based upon personal knowledge Defendant's distributorship with the US Lighting Group commenced approximately two years prior.

11. On or about January 22, 2018, the Defendant posted on controversial website (The Ripoff Report) that permits individuals to post negative reviews online.
12. Based upon information and belief, this has led the site to become ground-zero for revenge-obsessed, spiteful individuals attempting to destroy reputations of good people and companies.
13. Through Defendant's publication on this website, the Defendant has instigated a campaign of disparaging Plaintiff and injuring Plaintiff's reputation and goodwill in the Northeast Ohio area.
14. The website contains false and malicious statements attributing conduct and characteristics to Plaintiff that are contrary to his customary and lawful business practices.
15. The Defendants public attack on such a damaging website with reckless disregard as to whether the statement contained on the controversial website were false or not.
16. As specified below, the actions of the Defendant have caused injury to Plaintiff Paul Spivak emotional and mental trauma underscoring constant worry and debilitation forcing the Plaintiff to absent himself from his work environment.

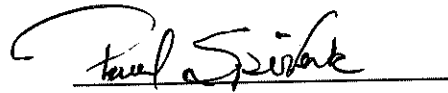
#### **DAMAGE**

17. As a direct and proximate result of the actions of the Defendant, as detailed above, Paul Spivak has suffered by the impact of the Defendant's negative statements against him as claimed in his employment performance and ability to function in all aspects of his work.
18. As a direct and proximate result of the actions of the Defendant as detailed above, Paul Spivak has been suffering bouts of anxiety and fearful of failures attributed to the Defendant's statements.

WHEREFORE, Plaintiff Paul Spivak prays:

1. The Court enter judgment in his favor on all counts of this Complaint;
2. The Court award him damages in the amount of \$150,000.00;
3. That this Court further award him treble and punitive damages; and
4. This Court award him any and all other relief to which he may appear entitled

Respectfully submitted,

A handwritten signature in cursive script, reading "Paul Spivak", is written over a horizontal line.

Paul Spivak  
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